

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Randy M. Mastro
Direct: +1 212.351.3825
Fax: +1 212.351.5219
RMastro@gibsondunn.com

July 11, 2018

Client: 19624-00020

VIA ECF

The Honorable Lewis A. Kaplan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Chevron Corp. v. Donziger, et al.*, Case No. 11 Civ. 0691 (LAK)

Dear Judge Kaplan

I respectfully write as counsel for Chevron Corporation (“Chevron”) to notify Your Honor of yesterday’s unanimous decision of the First Department Appellate Division of the Supreme Court of New York suspending the law license of Steven R. Donziger and ordering a hearing on sanctions for his violations of the ethical rules. A copy of the decision is attached to this letter as Attachment A.¹

The opinion was issued following the request of the Attorney Grievance Committee for the First Department for an order finding Donziger to have committed professional misconduct in violation of multiple provisions of the Code of Professional Responsibility based on the doctrine of collateral estoppel resulting from this Court’s March 4, 2014 post-trial decision (*Chevron Corp. v. Donziger* (974 F. Supp. 2d 362 (S.D.N.Y. 2014), *aff’d*, 833 F.3d 74 (2d Cir 2016), *cert denied*, ___ U.S. ___, 137 S. Ct. 2268 (2017)), finding that Donziger had engaged in “coercion, fraud and bribery in connection with an \$8.6 billion judgment obtained in Ecuador.” Attachment A at 2.

The Appellate Division unanimously concluded that collateral estoppel applied, and that this Court’s findings “constitute[d] uncontroverted evidence of serious professional misconduct which immediately threatens the public interest.” *Id.* at 2. The Appellate Division ordered a referee to hold a hearing on the sanction to be imposed on Mr. Donziger for the disciplinary rule violations of which he is guilty. *Id.* at 3.

¹ Mr. Donziger put the proceedings before the Attorney Grievance Committee at issue when he made reference to the Southern District of New York’s referral letter in various filings with this Court last year. See ECF Nos. 1925 at 6, 1927 at 7, 1931 at 2. In March of this year, Mr. Donziger posted the Attorney Grievance Committee’s letter on his blog at <http://stevendonziger.com/wp-content/uploads/2018/03/20161202-SDNY-referral-letter-to-First-Dept-Greivance-Committee.pdf>.

GIBSON DUNN

The Honorable Lewis A. Kaplan
July 11, 2018
Page 2

Donziger, as is his wont, almost immediately issued a press release vowing to appeal the suspension and casting aspersions on multiple parties, including the Attorney Grievance Committee, the Appellate Division, and Chevron, among others. *See* Attachment B.

Respectfully,

/s/ Randy M. Mastro
Randy M. Mastro

Attachments